

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
v.	:
	:
WILLIAM SOMERS,	:
Defendant.	:
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ORDER
17 CR 37-6 (VB)

Defendant has filed a motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (See Doc. #97).

Section 3582(c)(1)(A) contains an explicit exhaustion requirement: “[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier, may reduce the term of imprisonment . . . if it finds that . . . extraordinary and compelling reasons warrant such a reduction.”

Defendant’s submission indicates that the exhaustion requirement, a prerequisite to making such a motion, has been satisfied. (See Doc. #97 at 2). Specifically, defendant’s submission states that on April 3, 2020, defendant made an application to the warden of his facility for compassionate release under Section 3582(c)(1)(A)(i), and that on April 10, 2020, the warden responded to defendant’s request. (See id.). Accordingly, it appears more than thirty days have lapsed since defendant submitted his application to the warden. For this reason, defendant’s motion appears timely pursuant to Section 3582(c)(1)(A).

Accordingly, by July 27, 2020, the government is directed to file its response to defendant’s motion. (Doc. #97). The government is directed to address the merits of the motion.

Dated: July 13, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti, U.S.D.J.